IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :	)	
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Dyor, Elizabeth R.	)	Group Art Unit: 3627
	)	
Serial No.: 09/664,587	)	Examiner: Andrew J. Rudy
	)	
Filed: November 22, 1999	)	

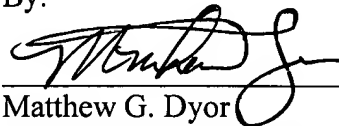For: **Financial Management System**

<u>RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF</u>

In response to the Notification of Non-Compliant Appeal Brief dated April 28, 2005, and further to our telephone discussion on May 24, 2005, Appellant has modified the heading of item 6 to "Grounds of Rejection to be Reviewed on Appeal" in place of the caption presented in the original Appeal Brief.

Regarding the reference to characters from the drawings in the Summary of the claimed subject matter, Appellant has provided reference characters to Figure 1(a) as follows: **Client Terminal, Financial Management Application**, and **Commercial Web Server**. As discussed on the phone, these reference numbers associate the claims to the Figure while ensuring that new matter is not introduced.

Respectfully submitted,

By:

Matthew G. Dyor
Registration No. 45,278

Matthew G. Dyor
Dated: May 26, 2005

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For: **Financial Management System**

APPEAL BRIEF

This is Appellant's Appeal Brief in connection with the above-captioned patent application. A Notice of Appeal was filed on November 15, 2004. Each item required by 37 C.F.R. § 41.37(a) is set forth below.

Pursuant to 37 C.F.R. § 41.37(a), a check in the amount of $310.00 is enclosed for the small entity fee for filing an appeal brief pursuant to 37 C.F.R. § 411.20 ($250.00) and a request for a one-month extension of time under 37 CFR § 1.136(a) ($60.00).

REQUIREMENTS OF 37 C.F.R. § 41.37(a)

(1)   <u>Real Party in Interest</u>

The real party in interest is Elizabeth R. Dyor, 10 W. Spring Street, Alexandria, VA 22301-2451.

(2)   <u>Related Appeals and Interferences</u>

To the best of Appellants' knowledge, there are no related Appeals or Interferences.

(3)   <u>Status of Claims</u>

Claims 1-12 are pending in the present application. Claims 13-16 have been withdrawn pursuant to a restriction requirement.

Claims 1-12 stand rejected under 35 U.S.C. § 103(a). Specifically, claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Green et al, US Patent No. 5,664,110.

The rejection of claims 1-12 is being appealed.

(4)   <u>Status of Amendments</u>

No amendments to the claims have been filed subsequent to the final rejection dated August 8, 2004.

(5)   <u>Summary of Claimed Subject Matter</u>

Appellant's invention, as disclosed and claimed, is directed to a terminal device (**Client Terrminal, Figure 1(a)**), a personal financial management application (*e.g.,* Microsoft Money or Intuit's Quicken) (**Financial Management Application, Figure 1(a)**), and a commercial web server (**Commercial Web Server, Figure 1(a)**). The commercial web server is configured to conduct online financial transactions. The personal financial management application receives transaction data regarding the online financial transaction upon completion of the financial transaction.

Claim 1 includes "a web browser configured to render a graphical user interface which, in turn, is configured to display transaction data, **enable user modification of the transaction data, and transmit modified transaction data to the financial management application**," (*see, e.g.,* page 3 line 20-page 4 line 2; page 9, lines 4-20; and Figure 3 for more information).

The benefit of this system, in particular the claimed graphical user interface (GUI), is that it enables a user to review transaction data, make desired modifications to the transaction data (*e.g.,* associate the purchase with a category or add a note), and enter the transaction **into a personal financial management application** upon completion of the transaction, instead of waiting until the transaction is routed through third party systems (*e.g.,* merchants and credit cards). Enabling a user to enter this information at the time of the online purchase while it is still fresh in their mind is more efficient and more accurate.

(6) <u>Grounds of Rejection to be Reviewed on Appeal</u>

The issue on appeal is as follows.

(a) Whether claims 1-12 are unpatentable under 35 U.S.C. § 103 over Green.

(7) <u>Arguments</u>

The rejections against all of the pending claims under consideration in the above-captioned patent application should be reversed for the reasons set forth below.

A. <u>Claims 1-12 Are Patentable under 35 U.S.C. § 103 over Green.</u>

First, this rejection is improper because the reference when modified as indicated in the Office Action, even if such modification were considered to be properly made, fails to disclose every claimed limitation. Second, there is no suggestion to modify the relied upon reference as asserted by the Examiner.

      i.   The Relied Upon Reference, Even When Modified as Indicated in the Office <u>Action, Fails to Disclose Every Feature of Claims 1-12</u>

Even assuming, *arguendo*, that Green could be properly modified to include "a commercial web server" and a "financial management application" (as argued by the Examiner

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without any supporting reference, and addressed in the section immediately below), the modified

teaching fails to disclose each limitation of claims 1-12. In particular, the modified reference

fails to teach or suggest (as claimed in Claim 1):

> ...a client terminal comprising:
> > **a financial management application**; and
> > a **web browser** configured to render a graphical user interface which, in
> > > turn, is **configured to** display transaction data, **enable user**
> > > **modification of the transaction data, and transmit modified**
> > > **transaction data to the financial management application**...

Turning to the argument made in the Office Action, which states that:

Green discloses a client terminal, e.g. 10, to access products using a device, e.g. 12, a
notes field, e.g, Fig. 9, **a financial application, e.g. 30**, where a transaction data order
may be initiated via an order icon, e.g. 72 (inherently from a graphical user interface
(GUI), e.g. Figs. 3, 6) and a credit card like element, e.g. 80, may be used. *Office Action,
pg. 3.*

Comparing the claimed invention to the argument made in the office action, two things

are clear: first, **there is no teaching or suggestion of a web browser** in the argument (or the

Green reference), much less a web browser configured to **enable user modification of the**

transaction data (*e.g.,* change information that is to be sent to the commercial web server) and

transmitting this modified transaction data to the financial management application; and

second, there is no relation between Green's display/processor unit central processing unit (30)

and a financial management application. Regarding the web browser, the Green reference does

not even consider the possibility of using a web interface, but instead relies upon a modem dial

up (see *e.g.,* Modem 38, Fig. 2). Given that the first Netscape browser was released around the

time the Green application was filed, and the web browser's popularity was not established until

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after the filing of the Green application, the Green application cannot be used to teach the use of a web browser. Furthermore, merely teaching a web browser would not teach the claimed invention, as it must be a web browser **configured to enable user modification of the transaction data**. For example, after making a purchase, a web browser provides a GUI that allows a user to modify the information about the purchase prior to this information being sent to a separate financial management application (*e.g.*, a financial management application that is *entirely independent of the operation of the commercial web server*). This is **not merely a GUI for completing a transaction**, but a GUI for transmitting information to an independent financial management application **upon completion of an online transaction**.

By way of simple example, the information that is presented to the commercial web server may be different than the information presented to the financial management application, because the function of the commercial web server and the financial management application are fundamentally different, thereby resulting in different web GUIs for these different functions. The commercial web server GUI is used to communicate information from one party (*e.g.*, a consumer) to a second party (*e.g.*, a merchant) for the purpose of completing a transaction, whereas the purposes of the financial management application GUI include "enable[ing] a user to enter transaction data, for the purpose of monitoring spending [and] ensuring accurate charges by merchants." *Specification page 1, line 21 to page 2, line 1.* Accordingly, Green fails to teach any web browser, much less a web browser configured as described and claimed in the present invention.

Regarding the financial management application, which is explicitly recited as a limitation that is part of the client terminal, there is no support for the Examiner's assertion that

CPU 30 is a financial management application based either on the common meaning of the words "financial management application" or upon the use of the words in Appellant's disclosure. In the disclosure, Appellant provides examples of a financial management application as "Intuit's Quicken and Microsoft Money." *Specification page 1, line 21.* As noted above, the specification continues on to say that "these applications enable a user to enter transaction data, for the purpose of monitoring spending [and] ensuring accurate charges by merchants." *Specification page 1, line 21 to page 2, line 1.* There is nothing in the Green disclosure, or in the prior art of record, that indicates a CPU teaches or suggests a financial management application. The fact that a CPU may be involved in the operation is not relevant, as a CPU is involved in virtually every computer application, whether patentable or not, in modern computing systems.

Because Green fails to teach a web browser, a financial management application, or a commercial web browser, and because the conclusory statements of the Examiner to modify the Green invention fail to overcome (and entirely fail to address the web browser limitation), Green fails to teach all the elements explicitly recited in Appellant's independent claim 1. Accordingly, claim 1 is patentable over Green. Furthermore, claims 2-12, which depend from claim 1 either directly or indirectly, are also patentable for at least this reason.

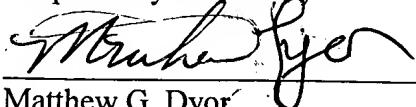ii.   There is No Suggestion To Modify the Relied Upon Reference

The Examiner has asserted Green can be modified to include a commercial web server and a financial management application. The Examiner provides no justification for the asserted modifications. The alleged suggestion for the modification of Green is that:

"To have provided a common knowledge **financial management application and/or a commercial web server** capable of conducting on-line financial transaction and causing a terminal to render the GUI for Green would have been obvious to one of ordinary skill in the art. Doing such would implement common knowledge systems with the purchasing ordering system of Green." *Office Action, p. 4.(Emphasis Appellant's)*

It is first noted that without as much as taking judicial notice, the Examiner has discarded two limitations of the Appellant's claimed invention: a financial management application and a commercial web server. If these elements are common, it is the Examiner's responsibility to not only provide a teaching of these elements, but also to cite a reference that would provide one of ordinary skill in the art the motivation to modify the Green reference to include *both* a financial management application and a commercial web server. The Office Action provides absolutely no foundation regarding either the teaching of a financial management application or a commercial web server, much less the motivation to modify the Green invention to integrate with a financial management application or a commercial web server. Accordingly, the Office Action has failed to meet the prima facia requirements of a proper rejection under 35 U.S.C. § 103(a), and the rejection is therefore inappropriate.

CONCLUSION

For at least the foregoing reasons, the rejections of claims 1-12 should be reversed.

Respectfully submitted,

By: _____

Matthew G. Dyor
Registration No. 45,278

Matthew G. Dyor
Dated: May 26, 2005

Claims Appendix

1. (rejected) A financial management system comprising:

    a client terminal comprising:

        a financial management application; and

        a web browser configured to render a graphical user interface which, in turn, is

        configured to display transaction data, enable user modification of the transaction

        data, and transmit modified transaction data to the financial management

        application; and

    a commercial web server capable of conducting online financial transactions,

        wherein the financial management application receives transaction data regarding

        an online financial transaction upon completion of the financial transaction.

2. (rejected) The financial management system of claim 1, wherein the financial management application is a personal financial management application.

3. (rejected) The financial management system of claim 1, wherein the financial transaction involves a credit card.

4. (rejected) The financial management system of claim 3, wherein the financial management application is a personal financial management application.

5. (rejected) The financial management system of claim 1, wherein the transaction data includes a purchase amount, a purchase date, a payee, a card identification data, and at least one notes field.

6. (rejected) The financial management system of claim 5, wherein a server associated with the commercial web server prompts the user to enter the notes field prior to transmitting the transaction data to the financial management application.

7. (rejected) The financial management system of claim 5, wherein the web browser renders a graphical user interface which residing on the client terminal prompts the user to enter the notes field prior to transmitting the transaction data to the financial management application.

8. (rejected) The financial management system of claim 7, wherein the web browser renders a graphical user interface which prompts the user to select one of a number of predetermined categories associated with the financial management application.

9. (rejected) The financial management system of claim 4, wherein the web browser creates an associated list of merchants and categories based on previous selections.

10. (rejected) The financial management system of claim 7, wherein the web browser provides a suggested name based on the name of the merchant.

11. (rejected) The financial management system of claim 10, wherein the web browser creates an associated list of merchants and categories based on previous selections, and provides a suggested category based upon the associated list if the merchant has previously been associated with a category.

12. (rejected) The financial management system of claim 1, wherein the transaction data includes a purchase amount, a purchase date, a payee, a card identification data, a per item expense, a per item quantity, and at least one notes field.

13. (withdrawn) A financial management system comprising
a terminal device;

a financial management program; and

a commercial web server capable of conducting online financial transactions, wherein the

financial management program receives transaction data regarding the online financial

transaction upon completion of a financial transaction.

14. (withdrawn) The financial management system of claim 13, wherein the terminal device is a

wireless terminal device.

15. (withdrawn) The financial management system of claim 14, wherein the terminal device is

assigned to a user, and the financial management program is assigned to the user, and the

financial management program does not reside on the terminal device.

16. (withdrawn) A financial management system comprising:

a terminal device;

a financial management program; and

a scripting agent, wherein the scripting agent receives transaction data from the terminal device

and automatically forwards a copy of the transaction data to the financial management program.

(10)   Related Proceedings Appendix

There are no related proceedings of which Appellant is aware.

Certificate of Service Appendix

No service was required for this Appeal Brief.

Evidence Appendix

No additional evidence is provided in support of this Appeal Brief.